

RICHARD J. IDELL, ESQ. (SBN 069033)
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Attorneys for Plaintiffs Gregory R. Raifman and
 Susan Raifman, individually and as Trustees for the
 Raifman Family Revocable Trust Dated 7/2/03,
 and Gekko Holdings, LLC, an Alaska
 limited liability company, dba Gekko Breeding and Racing

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

GREGORY R. RAIFMAN, individually and as
 Trustee of the RAIFMAN FAMILY
 REVOCABLE TRUST DATED 7/2/03, SUSAN
 RAIFMAN, individually and as Trustee of the
 RAIFMAN FAMILY REVOCABLE TRUST
 DATED 7/2/03, and GEKKO HOLDINGS, LLC,
 an Alaska limited liability company, dba GEKKO
 BREEDING AND RACING,

Plaintiffs,

v.

CLASSICSTAR, LLC, a Utah limited liability
 company, CLASSICSTAR FARMS, LLC, a
 Kentucky limited liability company, BUFFALO
 RANCH, a business entity form unknown,
 GEOSTAR CORPORATION, a Delaware
 corporation, S. DAVID PLUMMER, SPENCER
 D. PLUMMER III, TONY FERGUSON,
 THOMAS ROBINSON, JOHN PARROT,
 HANDLER, THAYER & DUGGAN, LLC, an
 Illinois Limited Liability Company, THOMAS J.
 HANDLER, KARREN, HENDRIX, STAGG,
 ALLEN & COMPANY, P.C., a Utah professional
 corporation f/k/a KARREN, HENDRIX &
 ASSOCIATES, P.C., a Utah professional
 corporation, TERRY L. GREEN, and DOES 1-
 1000 inclusive,

Defendants.

CASE NO. C 07-02552 MJJ

**DECLARATION OF RICHARD J. IDELL IN
 SUPPORT OF PLAINTIFF'S REQUEST FOR
 ENTRY OF DEFAULT AGAINST
 DEFENDANTS HANDLER, THAYER &
 DUGGAN, LLC, AN ILLINOIS LIMITED
 LIABILITY COMPANY, AND THOMAS J.
 HANDLER**

1 I, Richard J. Idell, do state as follows under the penalty of perjury:

2 1. I am an attorney at law licensed to practice before all of the courts of the State of
3 California and attorney for the Plaintiff GREGORY R. RAIFMAN, individually and as Trustee of the
4 RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, SUSAN RAIFMAN, individually and
5 as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, and GEKKO
6 HOLDINGS, LLC, an Alaska limited liability company, dba GEKKO BREEDING AND RACING
7 (hereinafter collectively referred to as "Plaintiff").

8 2. I am familiar with all of the records and files in this action and the investigation and
9 underlying facts supporting the requested Entry of Default.

10 3. All of the matters set forth herein are stated of my own personal knowledge or based on
11 my review of the files and records in this action, and if sworn as a witness I could testify competently
12 to the matters set forth herein.

13 4. Pursuant to F.R.C.P. 4(e) and California Code of Civil Procedure § 413.10, on May 24,
14 2007, Plaintiff caused the Complaint and Summons to be properly served on Defendants as follows:

15 a. On behalf of Defendant HANDLER, THAYER & DUGGAN, LLC, an Illinois Limited
16 Liability Company, Thomas Handler, Partner of HANDLER, THAYER & DUGGAN,
17 LLC, an Illinois Limited Liability Company, located at 191 N. Wacker Drive, 23rd
18 Floor, Chicago, Illinois 60606, was served on May 24, 2007. This service is evidenced
19 by the proof of service of Summons on file with this Court and attached hereto as
20 Exhibit "A."

21 b. Defendant THOMAS J. HANDLER was personally served at 191 N. Wacker Drive,
22 23rd Floor, Chicago, Illinois 60606 on May 24, 2007. This service is evidenced by the
23 proof of service of Summons on file with this Court and attached hereto as Exhibit "B."

24 5. Pursuant to F.R.C.P. 12(a)(1)(A) and F.R.C.P. 6(a) and 6(e), Defendants had twenty
25 (20) days from the date of service, or until June 13, 2007, to file an answer to the Complaint. The time
26 allowed by law for said Defendants to respond to the Complaint expired on June 13, 2007.

27 6. To date, Plaintiff has not been served with any answer to the Complaint, nor has
28 Plaintiff received any other responsive papers from any of the above-listed Defendants.

1 7. Since the Defendants have failed to appear or file a pleading or a motion permitted by
2 law, it is respectfully requested that the Clerk enter a Default against Defendants HANDLER,
3 THAYER & DUGGAN, LLC, an Illinois Limited Liability Company, and THOMAS HANDLER.

4 I declare under penalty of perjury under the laws of the United States and the State of
5 California that the foregoing is true and correct. Executed this 9th day of July, 2007, in San Francisco,
6 California.

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RICHARD J. IDELL

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel 465 California Street, Suite 300, San Francisco, California 94104.

On July 9, 2007, I served the following document(s):

DECLARATION OF RICHARD J. IDELL IN SUPPORT OF PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANTS HANDLER, THAYER & DUGGAN, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AND THOMAS J. HANDLER

☒ by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell Seitel & Rutchik for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

☒ by **E-MAIL TRANSMISSION**, by electronically transmitting a true and correct copy of the document(s) in Adobe Acrobat format to the electronic mail addresses indicated below:

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Farbstein & Blackman, APC
411 Borel Avenue, Suite 425
San Mateo, CA 94402
Fax: 650-554-6240
Email: jsb@farbstein.com
*Attorney for Terry Green & Karren, Hendrix,
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LLC d/b/a Buffalo Ranch & Spencer D
Plummer, III*



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7 presumed invalid if the postal cancellation date or the postage meter date is more than one day
8 after the date of deposit for mailing stated in this affidavit.

9
10 Thomas J. Handler
11 Handler, Thayer & Duggan, LLC
12 191 N. Wacker Drive, 23rd Floor
13 Chicago, IL 60606

14 Handler, Thayer & Duggan, LLC
15 191 N. Wacker Drive, 23rd Floor
16 Chicago, IL 60606

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18 I certify and declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct and I executed this declaration at San Francisco, California.
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Suzanne Slavens